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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/681,765	
	Filing Date	October 8, 2003
	First Named Inventor	Holger Winkelmann
	Art Unit	1745
Examiner Name	Alix E. Echelmeyer	
Total Number of Pages in This Submission	Attorney Docket Number	8540G-000161 (GP-302839)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">return receipt postcard</p>		
<table border="1"> <tr> <td>Remarks</td> <td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed.</td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 07-0960. A duplicate copy of this sheet is enclosed.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Anna M. Budde Jennifer M. Woodside Wojtala	Reg. No.	35,085 50,721
Signature	<i>Jennifer M. Woodside Wojtala</i>				
Date	November 9, 2006				

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Anna M. Budde / Jennifer M. Woodside Wojtala	Express Mail Label No.	EV 757 778 318 US (11/9/2006)
Signature	<i>Jennifer M. Woodside Wojtala</i>	Date	November 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 757 778 318 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/681,765
Filing Date: October 8, 2003
Applicant: Holger Winkelmann
Group Art Unit: 1745
Examiner: Alix E. Echelmeyer
Title: METAL HYDRIDE HEATING ELEMENT
Attorney Docket: 8540G-000161 (GP-302839)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action mailed October 11, 2006, the Examiner has determined that Claims 1-32, as originally filed, are subject to a restriction requirement pursuant to 35 U.S.C. §121. The Examiner has required restriction to one of the following inventions:

- I. Claims 1-30 drawn to a fuel system, classified in Class 429, subclass 26;
and;
- II. Claims 31-33 drawn to a method of heating a fuel cell system, classified in Class 429, subclass 13.

In addition, the Examiner has required that if elected, Claims 1-30 (Group 1) are subject to an election of species requirement.

Response to Restriction Requirement

Applicant traverses the restriction requirement as the examination of both Groups I and II will not pose an undue burden on the Examiner. However, Applicant hereby elects to prosecute the claims corresponding to Group I (Claims 1-30) in the above identified application, drawn to a fuel cell system.

Additionally, the right is hereby reserved to file further continuation and/or divisional patent applications for this subject matter and Applicant is not, in any manner, waiving or abandoning any rights to this subject matter.

Response to Election Requirement

The Examiner has required that if Claims 1-30 corresponding to Group 1 are elected, these claims would be further subject to an election of species requirement. Thus, the Examiner requested identifying the species within Group I claims, as follows:

a. Claims 12-16, drawn to the material of the body. Election of one material selected from the following: a polymeric composite (claim 12), aluminum, magnesium, titanium, nickel, stainless steel, or alloys or mixtures (claims 13 and 14), or AlMg₃ (claim 16) is required.

b. Claims 17 and 18, drawn to an equilibrium pressure for the absorption of hydrogen. Election of one of claims 17 and 18 is required.

c. Claims 22-28, drawn to the metal alloy, M, for reacting with and storing hydrogen. Applicant is required to elect a distinct material among those listed in claims 22-28 for examination.

Applicant is further required to select either AB₂ or AB₅ and the specific components for each of A and B.

Further, the Office Action indicates that Claims 1-11 and 19-21 are generic.

Applicant hereby elects the following species for prosecution on the merits:

- a. A body of the heating element that is constructed of an AlMg₃ material.
- b. A hydrogen storage medium that has an equilibrium pressure for absorption of hydrogen of less than about 5 atm at 25°C.
- c. A metal alloy represented by M comprising a composition of LaNi₅, which corresponds to a nominal general formula: AB₅, where A is lanthanum and B is nickel.

Applicant submits that each of Claims 1-11, 13-23, and 29-30 read upon the elected species. In particular, Applicant notes that in electing species "b" where an equilibrium pressure for absorption of hydrogen is less than about 5 atm at 25°C, both Claims 17 and 18 are generic to this species. Claims 12 and 24-28 are not readable upon the elected species.

If no generic claim is held to be allowable, then the right is hereby reserved to file continuation and/or divisional patent applications for any non-elected or restricted subject matter, should it become necessary, and Applicant is not, in any manner, waiving or abandoning any rights to this subject matter.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action. Thus, prompt and favorable consideration of this Response is respectfully

requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 9, 2006

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